

MONTANA DEPARTMENT OF JUSTICE

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Attorney for Defendants

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

MAKUEEYAPEE D. WHITFORD,

Plaintiff,

v.

BRIAN GOOTKIN and JIM
SALMONSEN,

Defendants.

CV 22-70-H-SEH

SECOND AFFIDAVIT OF TERRIE
STEFALO

STATE OF MONTANA)

:ss

COUNTY OF POWELL)

I, Terrie Stefalo, first being duly sworn, aver the following:

1. I am a citizen of the United States, over 18 years of age, competent to testify, and have personal knowledge of the following facts. I am not a party to this lawsuit.

2. I am employed by the Montana Department of Corrections as the Religious Activities Coordinator at Montana State Prison (“MSP”). I have held this position since October of 2012.

3. I supervise MSP staff who work at the Religious Activities Center on the MSP campus. I also solicit and work with volunteers from the public who want to provide religious services and activities to MSP inmates.

4. One of my job duties is to facilitate Native American religious programming at MSP.

5. As of August 16, 2023, Plaintiff Makueeyapee Whitford is housed in the general population Unit 1 in the high security compound at MSP (“high-side gen. pop.”).

6. As Whitford is no longer housed in locked housing, he is eligible to attend Native American religious ceremonies. These ceremonies include the sweat ceremony, the pipe ceremony, and the talking circle.

7. Whitford was eligible to attend sweat ceremonies on August 19, September 2, and September 16, 2023. Whitford attended the sweat ceremonies on August 19 and September 16.

8. Whitford was eligible to attend pipe ceremonies on August 29 and September 12, 2023. Whitford did not attend either pipe ceremony.

9. Whitford was eligible to attend talking circles on September 6 and 20, 2023. Whitford did not attend either talking circle.

10. Three inmates in high side gen. pop. have attended drum group since 2017. One inmate attended on June 15, 2021. Two inmates attended on January 9, 2023. Whitford was not among them.

11. Drums are available for inmates, including Whitford, to use at sweat ceremonies.

12. Exhibit F, filed herewith, consists of true and correct copies of reports of incidents which occurred at the Religious Activities Center (the "RAC") in conjunction with Native American religious programs.

13. Inmates often use the RAC facilities to pass contraband and unauthorized communications among themselves. Preventing the transfer of contraband and unauthorized communications are important institutional security functions.

14. The six months' clear conduct requirements help fulfill these important security functions by restricting some religious functions to

inmates who have demonstrated their trustworthiness by keeping clear conduct.

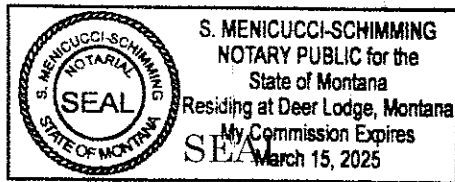
Further affiant sayeth naught.

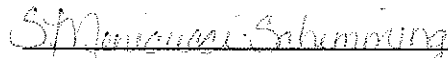
DATED this 21 day of September 2023.



TERRIE STEFALO

SUBSCRIBED AND SWORN before me this 21st day of September 2023 by Terrie Stefalo.





Signature of Notary Public